

# Notice of Allowability

Application No.

10/058,175

Examiner

Brian L. Albertalli

Applicant(s)

MAHOWALD ET AL.

Art Unit

2626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant initiated interview on 24 September 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-8,10-14 and 16-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Dalei Dong on 24 September 2007.

The application has been amended as follows:

**Claim 1:**

Amend claim 1 to read:

1. A computer-readable storage medium comprising code programmed in a markup language for facilitating voice-enabled communication between a voice service system and an individual, the markup language comprising:

a hierarchical set of functional elements that define the capabilities of the markup language, the set of elements comprising:

a dialog element that defines a unit of interaction between the voice service system and an individual;

an input element contained in the dialog element and operative to request input from an individual during execution of a voice service; and

an n-best list filter element operative to request verification from a list of possible matches for an audibly-uttered user response;

whereby one or more of the elements are arranged to define a voice service[.] ;  
and

wherein the n-best filter element comprises a namespace attribute that stores results from a grammar that are confirmed as not matching the utterance.

**Claim 3:**

Cancel claim 3.

**Claim 7:**

Amend claim 7 to read:

7. ~~An active voice page in a~~ A computer-readable storage medium storing an active voice page for use in an interactive voice output comprising:

at least one dialog element contained within the container element, the dialog element comprising content for delivery to an identified user during an interactive voice broadcast;

at least one input element contained within the at least one dialog element, the at least one input element defining input to be received from the identified user during the interactive voice broadcast; and

at least one n-best list filter element operative to request verification from a list of possible matches for an audibly-uttered user response [.] ;

wherein the n-best filter element comprises a namespace attribute that stores results from a grammar that are confirmed as not matching the utterance.

**Claim 9:**

Cancel claim 9.

**Claim 13:**

Amend claim 13 to read:

13. An interactive voice output system that dialogs with a user comprising:  
a XML-based page comprising:  
at least one dialog element contained within a container element, the dialog element comprising content for delivery to an identified user during an interactive voice broadcast;

at least one input element contained within the at least one dialog element, the at least one input element defining input to be received from the identified user during the interactive voice broadcast; and

at least one n-best list filter element operative to request verification from a list of possible matches for an audibly-uttered user response; and

a call server that engages a user in dialog based on the dialog element, receives input from a user and prompts the user to verify possible matches for audibly-uttered user responses that are not understood based on the XML-based page contents[.] ;  
wherein the n-best filter element comprises a namespace attribute that stores results from a grammar that are confirmed as not matching the utterance.

**Claim 15:**

Cancel claim 15.

***Allowable Subject Matter***

3. Claims 1, 2, 4-8, 10-14, and 16-18 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Amended claim 7 is directed to statutory subject matter

Claim 7 has been amended herein to be directed to a computer-readable storage medium comprising an active voice page. A computer-readable medium comprising code (i.e. a voice page) for causing a computer to perform functions (i.e. interactive voice services) is statutory subject matter because a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized.

Amended claims 1 and 7 meet the written description requirement

Claims 1 and 7 are directed to computer-readable storage mediums comprising code for causing a computer to perform functions. Claims 1 and 7 had previously been rejected under 35 U.S.C. 112, first paragraph, because of a lack of written description supporting the specific embodiment of "computer-readable mediums". However, upon discussion with the Applicant and further consideration, claims 1 and 7 are adequately supported by the specification. Specifically, one of ordinary skill in the art at the time of invention would recognize that the "markup languages" and "active voice pages" described in the specification could be stored on a computer-readable medium, in order for the markup languages' or active voice pages' functionality to be realized. Thus, the rejections of claims 1 and 7 under 35 U.S.C. 112, first paragraph are withdrawn herein.

Amended claims 1, 7, and 13 include subject matter not taught or suggested by the prior art

Claims 1, 7, and 13 have been amended herein to include the limitation that an n-best filter element include a namespace attribute that that stores results from a grammar that are confirmed as not matching the utterance. Beith et al. and the prior art of record do not teach or suggest this feature (see, e.g., Appeal Brief, page 21). Thus, independent claims 1, 7, and 13 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 9/24/07



**DAVID HUDSPETH**  
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**TECHNOLOGY CENTER**